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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/965,146	09/27/2001	William M. Houston	END920010069US1	6257
5409	7590	05/13/2004	EXAMINER	
ARLEN L. OLSEN SCHMEISER, OLSEN & WATTS 3 LEAR JET LANE SUITE 201 LATHAM, NY 12110			LEROUX, ETIENNE PIERRE	
			ART UNIT	PAPER NUMBER
			2171	
DATE MAILED: 05/13/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/965,146	HOUSTON ET AL.
	Examiner	Art Unit
	Etienne P LeRoux	2171

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 26 April 2004.

2a) This action is FINAL.                    2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-23 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-23 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 27 September 2001 is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. §§ 119 and 120**

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \*    c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

13) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

a) The translation of the foreign language provisional application has been received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_

4) Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_

***Finality Withdrawn***

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 10 and 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 10 and 21 contain the trademark/trade name Lotus, Lotus Domino and Lotus Notes. Where a trademark or trade name is used in a claim as a limitation to identify or describe a particular material or product, the claim does not comply with the requirements of 35 U.S.C. 112, second paragraph. See *Ex parte Simpson*, 218 USPQ 1020 (Bd. App. 1982). The claim scope is uncertain since the trademark or trade name cannot be used properly to identify any particular material or product. A trademark or trade name is used to identify a source of goods, and not the goods themselves. Thus, a trademark or trade name does not identify or describe the goods associated with the trademark or trade name. In the present case, the trademark/trade name is used to identify/describe a groupware application introduced by Lotus Development Corporation and, accordingly, the identification/description is indefinite.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 10-12 and 21-23 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,381,579 issued to Gervais et al (hereafter Gervais).

The applied reference has a common assignee with the instant application. Based upon the earlier effective U.S. filing date of the reference, it constitutes prior art under 35 U.S.C. 102(e). This rejection under 35 U.S.C. 102(e) might be overcome either by a showing under 37 CFR 1.132 that any invention disclosed but not claimed in the reference was derived from the inventor of this application and is thus not the invention “by another,” or by an appropriate showing under 37 CFR 1.131.

**Claims 1, 12 and 23:**

Gervais discloses a method for updating a database structure, comprising:

- generating a dynamically changing list of control documents [ACL, col 4, lines 55-65, Fig 3, col 7, lines 27-40]
- processing by a first agent a first approved control document on the list [EnterpriseXspan Environment Server col 4, lines 30-42]

- wherein processing the first approved control document includes causing executing at least one task on the first approved control document [EnterpriseXspan Environment Server col 4, lines 30-42]
- wherein executing a task on the first approved control document includes updating the database structure [Figs 7-12]

Claims 10 and 21:

Gervais discloses wherein the first agent is a L-script operating within a Lotus-domino software environment, and wherein the database structure includes Lotus Notes databases [col 12, lines 27-34].

Claims 11 and 22:

Gervais discloses wherein executing a first task on the first approved control document includes replacing a name of a first person with a name of a second person in a plurality of databases of the database structure [col 4, lines 55-65]

Claims 1-3, 7-9, 12-14, 18-20 and 23 are rejected under 35 U.S.C. 102(b) as being anticipated by US Pat No 5,855,014 issued to Smith (hereafter Smith).

Claims 1, 12 and 23:

Smith discloses a method for updating a database structure, comprising:

- generating a dynamically changing list of control documents [workflow control document col 1, lines 30-44, col 7, lines 7-51]
- processing by a first agent a first approved control document on the list [single executable software program, col 2, lines 15-45]

- wherein processing the first approved control document includes causing executing at least one task on the first approved control document [col 14, lines 25-67]
- wherein executing a task on the first approved control document includes updating the database structure [col 14, lines 25-67]

Claims 2 and 13:

Smith discloses generating a view of the list and accessing the view by the first agent prior to processing the first approved control document [col 5, lines 55-62].

Claims 3 and 14:

Smith discloses wherein executing a first task on the first approved control document includes executing the first task by the first agent [col 2, lines 18-45]

Claims 7 and 18:

Smith discloses wherein executing a first task on the first approved control document includes updating a plurality of databases of the database structure [step 5, col 2, lines 15-45]

Claims 8 and 19:

Smith discloses wherein executing a first task on the first approved control document includes updating a first database of the database structure, and wherein executing a second task on the first approved control document includes updating a second database of the database structure [step 5, col 2, lines 15-45].

Claims 9 and 20:

Smith discloses wherein a first task and a second task on the first approved control document are not independent [col 7, lines 25-52].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 4-6 and 15-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Smith.

**Claims 4 and 15:**

Smith discloses the elements of claims 1 and 12 as noted above.

Smith fails to disclose wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent.

However, Smith discloses a single executable software program that carries out 6 steps [col 2, lines 15-45].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to include wherein executing a first task on the first approved control document includes directly calling a second agent by the first agent.

The ordinarily skilled artisan would have been motivated to modify Smith per the above for the purpose of dividing the program into well-defined modules.

**Claims 5 and 16:**

Smith discloses the elements of claims 1 and 12 as noted above.

Smith fails to disclose wherein executing a first task on the first approved control document includes indirectly calling a second agent by the first agent and executing the first task by the second agent.

However, Smith discloses a single executable software program that carries out 6 steps [col 2, lines 15-45].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to include wherein executing a first task on the first approved control document includes indirectly calling a second agent by the first agent and executing the first task by the second agent.

The ordinarily skilled artisan would have been motivated to modify Smith per the above for the purpose of dividing the program into well-defined modules.

Claims 6 and 17:

Smith discloses the elements of claims 1 and 12 as noted above.

Smith fails to disclose processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure.

However, Smith discloses a single executable software program that carries out 6 steps [col 2, lines 15-45].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smith to include processing by a second agent a second approved control document on the list, wherein processing the second approved control document includes

causing executing at least one task on the second approved control document, and wherein executing a task on the second approved control document includes updating the database structure.

The ordinarily skilled artisan would have been motivated to modify Smith per the above for the purpose of dividing the program into well-defined modules.

***Response to Arguments***

Applicant's arguments filed 4/26/2004, have been considered but they are not fully persuasive.

Applicant argues on pages 8-10, that Hawkins does not disclose a dynamically changing list of control documents and an agent. Examiner is not fully persuaded. However, in order to advance prosecution by reducing possible points of view, this Office Action provides two new art rejections.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703)

872-9306

Etienne LeRoux

5/7/2004

*Etienne LeRoux*